

CITY PROPOSAL #13- SICK LEAVE PAYOUT

18.2 Sick leave payoff shall be given to each full-time employee at the time of retirement or death under one of the following conditions:

18.2.1 Federated Retirement Plan:

The employee is:

18.2.1.1 A member of the Federated Retirement Plan, and

18.2.1.2 Retired under the provisions cited in the plan, and

18.2.1.3 Credited with at least ~~fifteen~~ twenty (1520) years of service in this retirement plan, or

18.2.1.4 Credited with at least ~~ten~~ fifteen (4015) years of service prior to a disability retirement.

~~18.2.2 Terminated Employee with Vesting Rights~~

~~The employee has:~~

~~18.2.2.1 Terminated service with the City, and~~

~~18.2.2.2 Retained vesting rights in a retirement system according to provisions in the SJMC, and~~

~~18.2.2.3 Following such termination, qualifies for retirement and retires under the provisions cited in the code and~~

~~18.2.2.4 Has at the time of retirement credit for at least fifteen (15) years of service in the applicable retirement plan.~~

18.2.3 Death During Service

The estate of any full-time employee who dies while in City service and prior to retirement, even though the employee is not credited with at least fifteen (15) years of service in any applicable retirement plan.

~~18.2.4 Death of Terminated Employee~~

~~The estate of any full-time employee who:~~

~~18.2.4.1 Had terminated service with the City but had retained vesting rights in a retirement system according to provisions in the SJMC, and~~

~~18.2.4.2 Dies prior to becoming eligible for retirement allowances as cited under provisions of the SJMC, and~~

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~~18.2.4.3 Has at the time of death credit for at least fifteen (15) years of service in the applicable retirement plan.~~

18.3 Payout shall be determined as follows:

18.3.1 If an eligible full-time employee, as defined in subsection 18.2 above, at the time of their retirement or death has earned, unused sick leave hours, the employee shall be paid the equivalent of a specified percent of their hourly rate of pay at the time of retirement, termination or death, whichever comes first, multiplied by the total number of the employee's accumulated and unused hours of sick leave as of the date of the employee's retirement or death.

18.3.2 Less than 400 hours: Hours accumulated x 50% of final hourly rate

400 - ~~799~~ 1200 hours: Hours accumulated x 60% of final hourly rate

~~800 - 1200 hours:~~ Hours accumulated x 75% of final hourly rate

18.4 Employees are only eligible for one sick leave payoff while employed by the City of San Jose, including breaks in employment.

18.5 Employees hired by the City on or after July 1, 2010, shall not be eligible for a sick leave payoff benefit.